

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 11-13, 15-19, 21, 24-27, and 31 are pending in the application, with claims 11, 17, 18, and 21 being the independent claims. Claims 22 and 23 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 11, 12, 13, 17, 18, 21, 24, 25, 26, and 31 are sought to be clarified. Support for the claim amendments may be found in the originally filed application, for example, with reference to U.S. Pub. Appl. No. 2003/0105960 (the related published application), in Table 3 (indicating whether authentication occurs before or after confirmation with the user depending on authentication level); *see also*, e.g., ¶¶ [0063]-[0065]) and ¶¶ [0051]-[0054] (describing the first request from the first communication terminal to the host computer, and the host computer's second request to the second mobile communication apparatus). Applicants respectfully reserve the right to prosecute similar or broader claims, to the cancelled and amended claims, in the future.

Paragraph [0063] of the Specification as published is sought to be amended. Support for this amendment may be found in the originally filed application, for example, with reference to the related published application, in Table 3 (authentication level 1 unconditionally authenticates and then confirms ex post facto) and Paragraphs [0064]-[0065] (an ex post facto confirmation is made when the price of the commodity is equal to or less than the first predetermined value).

These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

On June 29, 2011, a telephonic interview was held between Examiner Cahn Le, Examiner Christopher Brown, and Applicant's representatives: Jason Eisenberg and Adam Fowles. During the Interview, the Applicant's representatives discussed with the Examiners both distinguishing features of the previously pending claims and proposed clarifying amendments to overcome the current rejection under 35 U.S.C. § 103(a). Discussion included the applied references and a further clarification regarding the host computer in the claim. The Examiner tentatively agreed the proposed and discussed clarifications would be allowable over the applied references.

Rejections under 35 U.S.C. § 103

Claims 11, 17, 21, and 31

Claims 11, 17, 21 and 31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 2000-76336 to Taro ("Taro") in view of U.S. Pat. No. 6,516,056 to Justice ("Justice"), further in view of U.S. Pub. No. 2001/0001877 to French ("French"). Applicants respectfully traverse this rejection.

As agreed to during the Interview, and without acquiescing to the propriety of the rejection, independent claim 11 has been clarified to recite features that distinguish over the applied references. For example, claim 11 recites *inter alia*:

receiving a first request ***at a host computer***, from a service device, for information regarding authentication of a user . . .

transmitting ***from the host computer to a mobile communications device a second request*** for user identification information in response to receiving the first request;

receiving the user identification information ***from the mobile communications device at the host computer*** in response to the second request . . .

Independent claims 17 and 21 recite similarly distinguishing features using analogous language.

Taro is directed to an electronic banking system and electronic commerce service provider equipment. (*See* Taro, [0001].) Electronic commerce service provider equipment 1-6 hosts a web page for electronic commerce on the internet. (*Id.* at [0023].) A user machine/information terminal 1-1, connected to the internet through a telephone terminal 1-2, may transmit order data to the equipment 1-6; when this occurs, the equipment 1-6 connects with an electronic banking authentication system 1-7 via an internet communications network. (*Id.*) The authentication system 1-7 proceeds to perform authentication for electronic banking regarding the requesting user. (*Id.* at [0024].) The authentication system 1-7 calls back the user's telephone terminal 1-2 to obtain secrecy information from the telephone network 1-3 which is connected to the telephone terminal 1-2. (*Id.* at [0025].)

Thus, Taro discloses a system where the user machine/information terminal 1-1 connects through the telephone terminal 1-2 to make an order through electronic

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commerce service provider equipment 1-6. Equipment 1-6 then connects with the authentication system 1-7 to carry out authentication of the electronic commerce. The authentication system connects again with telephone terminal 1-2 to receive secrecy information from the user.

Taro does not disclose at least "receiving a first request *at a host computer*, from a service device," or "transmitting *from the host computer to a mobile communications device a second request* for user identification information in response to receiving the first request," and "receiving the user identification information *from the mobile communications device at the host computer* in response to the second request," as recited in claim 11 (emphasis added), and recited, using analogous language, in claims 17 and 21. Instead, Taro discloses that the authentication system 1-7 contacts the same user terminal 1-1 through the telephone terminal 1-2 as is used by the user terminal 1-1 to place the original order.

On page 5 of the Office action, the Examiner cites Justice as teaching "an accessed risk level is less than the fraud queue threshold (*i.e. a first predetermined threshold*) which corresponds to a first authentication level," as well as an accessed risk level that corresponds to a second authentication level. Applicants disagree. However, the Examiner does not use Justice to disclose, nor does it disclose, teach or suggest, at least the above-noted distinguishing features of claims 11, 17, and 21. Therefore, as Justice does not cure the deficiencies of Taro, the applied references cannot be used to establish a *prima facie* case of obviousness for claims 11, 17, and 21.

On page 6 of the Office action, the Examiner cites French as teaching "three or more levels of authentication (i.e. having more than one threshold)." Applicants disagree. However, the Examiner does not use French to disclose, nor does it disclose, teach or suggest, at least the above-noted distinguishing features of claims 11, 17, and 21. Therefore, as French does not cure the deficiencies of Taro or Justice, the applied references cannot be used to establish a *prima facie* case of obviousness for claims 11, 17, and 21.

Claim 31 depends from independent claim 11, and therefore distinguishes over Taro, Justice, and French, alone or in combination, for at least the same reasons as claim 11, further in view of its own distinguishing features.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection and find the claims allowable.

Claims 18-19

Claims 18-19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 2000-92236 to Shuichi¹ ("Shuichi") in view of Taro, further in view of French. Applicants respectfully traverse this rejection.

As agreed to during the Interview, and without acquiescing to the propriety of the rejection, independent claim 18 has been clarified to recite features that distinguish over the applied references. For example, claim 18 recites *inter alia*:

¹ The Office Action appears to inadvertently refer to Shunichi in the body of this rejection, yet according to the quoted text and statement of rejection on page 8 Shuichi is the intended reference, to which Applicants' arguments respond.

a receiver operable to receive, from a host computer, ***a second request*** for information regarding authentication of a user at a service device, ***wherein the second request is in response to a first request from the service device***, and the first request is ***in response to a transaction at the service device*** . . .

Shuichi discloses an approach of offering information through a communications line to a communication terminal. (Shuichi, [0001].) A provider demands transmission of a user ID from the connected communication terminal, from which the terminal then replies with user ID and password. (Shuichi, [0003].) The Examiner recognizes on page 9 of the Office action that Shuichi does not teach at least the claimed "a request for information regarding authentication of a user at a service device, wherein the request is in response to a transaction at a service device." (Office Action, page 9.) Shuichi therefore also does not disclose at least "a receiver operable to receive, from a host computer, ***a second request*** for information regarding authentication of a user at a service device, ***wherein the second request is in response to a first request from the service device***, and the first request is ***in response to a transaction at the service device***," as recited in claim 18. Rather, the Examiner relies on Taro to allegedly disclose this feature. Applicants disagree.

Taro neither remedies the deficiencies of Shuichi nor discloses what the Examiner asserts. As discussed above regarding claim 11, Taro discloses a system where the user machine/information terminal 1-1 connects through the telephone terminal 1-2 to make an order through electronic commerce service provider equipment 1-6. Equipment 1-6 then connects with the authentication system 1-7 to carry out authentication of the electronic commerce. The authentication system connects again

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with telephone terminal 1-2 to receive secrecy information from the user. Taro does not disclose at least "a receiver operable to receive, from a host computer, *a second request* for information regarding authentication of a user at a service device, *wherein the second request is in response to a first request from the service device*, and the first request is *in response to a transaction at the service device*," as recited in claim 18. Instead, authentication in Taro uses the same equipment 1-1 for the original transaction as well as for receiving the request for secrecy information from the authentication system 1-7.

Thus, Shuichi, alone or in the allegedly obvious combination with Taro, does not teach or suggest at least the above-noted distinguishing features of claim 18.

The Examiner does not use Justice or French to disclose, nor do they disclose, teach or suggest, at least the above-noted distinguishing features of claim 18. Therefore, as Taro does not cure the deficiencies of Shuichi, and Justice and French do not cure the deficiencies of Shuichi or Taro, the applied references cannot be used to establish a *prima facie* case of obviousness for claim 18.

Claim 19 depends from independent claim 18, and therefore distinguishes over Shuichi, Taro, Justice, and French, alone or in combination, for at least the same reasons as claim 18, further in view of its own distinguishing features.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection and find the claims allowable.

Claims 12 and 22-24

Claims 12 and 22-24 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Taro in view of Justice, further in view of French, further in view of Shuichi. Applicants respectfully traverse this rejection.

Without conceding the propriety of the rejection of claims 22 and 23, as the subject matter of claims 22 and 23 are sought to be incorporated into claim 11 and claim 17, respectively, for allowance, claims 22 and 23 are cancelled rendering their rejection moot.

Claims 12 and 24 are allowable at least based on their dependency from claims 11 and 17, respectively, as Taro does not render obvious at least the above-noted distinguishing features. Justice, French, and Shuichi are not stated by the Examiner in the Office action to teach, nor do they suggest, at least the above-noted distinguishing features of claims 11 or 17. Therefore, as Justice, French, and Shuichi do not cure the deficiencies of Taro, the applied references cannot be used to establish a *prima facie* case of obviousness.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection and find the claims allowable.

Claims 15-16 and 27

Claims 15-16 and 27 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Taro in view of Justice, further in view of French, and further in view

of JP 06-215009 to Shunichi ("Shunichi"). Applicants respectfully traverse this rejection.

Claims 15-16 and 27 are allowable at least based on their dependency from claims 11 and 17, respectively. Taro does not render obvious at least the above-noted distinguishing features of claims 11 and 17. Justice and French are not stated by the Examiner in the Office action to teach, nor do they suggest, at least the above-noted distinguishing features of claims 11 and 17. Shunichi is not stated by the Examiner in the Office action to teach, nor does it suggest, at least the above-noted distinguishing features of claims 11 or 17. Shunichi is cited by the Examiner as disclosing a system that memorizes the amount of money for purchase, and when that amount exceeds the purchase limit set beforehand, the transaction may be cancelled. (Shunichi, [0005].) Therefore, as Shunichi does not cure the deficiencies of Taro, Justice, or French, the applied references cannot be used to establish a *prima facie* case of obviousness.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection and find the claims allowable.

Claims 13 and 25-26

Claims 13 and 25-26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Taro in view of Justice, further in view of French, and further in view of Shuichi, further in view of Shunichi. Applicants respectfully traverse this rejection.

Claims 13 and 25-26 are allowable at least based on their dependency from claims 11 and 17, respectively, as Taro does not render obvious at least the above-noted

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distinguishing features. Justice, French, Shuichi, and Shunichi are not stated by the Examiner in the Office action to teach, nor do they suggest, at least the above-noted distinguishing features of claims 11 or 17. Therefore, as Justice, French, Shuichi, and Shunichi do not cure the deficiencies of Taro, the applied references cannot be used to establish a *prima facie* case of obviousness.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection and find the claims allowable.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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